

John L. Cooper (State Bar No. 050324)
jcooper@fbm.com
Farella Braun + Martel LLP
235 Montgomery Street, 17th Floor
San Francisco, CA 94104
Telephone: (415) 954-4400
Facsimile: (415) 954-4480

Attorneys for Rule 706 Expert, James R. Kearl

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ORACLE AMERICA, INC.,

Plaintiff,

vs.

GOOGLE, INC.,

Defendant.

Case No. C 10-3561 WHA

**DECLARATION OF JOHN L. COOPER IN
SUPPORT OF ADMINISTRATIVE
MOTION TO FILE UNDER SEAL
RESPONSE OF DR. JAMES R. KEARL,
RULE 706 EXPERT, TO GOOGLE'S
RESPONSE TO ORACLE'S MOTION IN
LIMINE #6 REGARDING RULE 706
EXPERT, PROFESSOR JAMES KEARL**

Dept.: Courtroom 8, 19th Floor
Judge: Hon. William H. Alsup

I, John L. Cooper, declare as follows:

1. I am an attorney licensed to practice law in the State of California and am a partner at the law firm of Farella Braun + Martel LLP, attorneys of record for Rule 706 Expert, Dr. James R. Kearl, in the above captioned action. I submit this declaration in support of Dr. Kearl's Administrative Motion To File Under Seal his Response to Google's Motion to Strike Portions of Expert Report and Testimony of Dr. James R. Kearl. I have knowledge of the facts stated herein and if called as witness, I could and would competently testify thereto.

2. Attached hereto are unredacted copies of Response of Dr. James R. Kearl, Rule

1 706 Expert, to Google's Response to Oracle's Motion in Limine #6 Regarding Rule 706 Expert,
 2 Professor James Kearl, and Exhibits A through C to the Declaration of Dr. James R. Kearl in
 3 Support of Response of Dr. James R. Kearl, Rule 706 Expert, to Google's Response to Oracle's
 4 Motion in Limine #6 Regarding Rule 706 Expert, Professor James Kearl. These documents
 5 contain information designated by Oracle America, Inc. and Google, Inc. as "Confidential—
 6 Attorney's Eyes Only." Oracle and Google are in dispute regarding which portions of Dr. Kearl's
 7 analysis should be kept confidential and which portions may be made public, so Dr. Kearl is
 8 requesting to file his entire response under seal. *See, e.g.*, Dkt. 1599. Google and Oracle have
 9 been provided with a copy of the entire unredacted response to allow them to designate which
 10 portions should remain undisclosed.

11 3. James R. Kearl takes no position on the redaction of the information designated as
 12 "Confidential—Attorney's Eyes Only."

13
 14 I declare under penalty of perjury under the laws of the State of California that the
 15 foregoing is true and correct.

16 Executed this 13th day of April 2016 at San Francisco, California.

17
 18 /s/ John L. Cooper
 John L. Cooper